

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:) Case No. 18-02580-5-SWH
)
CTMG, INC.,) Chapter 7
Debtor.)
)
)
HOLMES P. HARDEN, Trustee,)
Plaintiff,) Adv. Pro. No. _____
)
vs.)
)
JOSEPH H. MOGLIA,)
Defendant.)
)

**COMPLAINT BY TRUSTEE TO AVOID UNPERFECTED SECURITY INTEREST
IN PERSONAL PROPERTY [11 U.S.C. §544(a)]**

The complaint of Holmes P. Harden, Trustee, respectfully alleges:

1. That he is the duly qualified and acting trustee in this case.
2. The court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(K). Venue properly lies in this judicial district pursuant to 28 U.S.C. § 1409(a) in that the instant adversary proceeding is related to the above-captioned case under title 11 of the United States Code which is still pending. The court has authority to enter final judgment in this matter.
3. Prior to the commencement of this case, the debtor purportedly executed and delivered to defendant a security agreement granting a security interest in assets of the Debtor.
4. Plaintiff is informed and believes and therefore alleges that said security interest is unperfected in that the Defendant did not file a UCC-1 Financing Statement.

5. Said unperfected security interest of Defendant is void as to Plaintiff by virtue of the provisions of 11 U.S.C. §544.

WHEREFORE, the trustee prays that this Court make its order declaring void the security interest granted by the Debtor to the Defendant and decreeing that Defendant has no lien upon, or security interest in, the above-described personal property, and for such other and further relief as the court deems just.

This the 2 day of June, 2018.


/s/ Holmes P. Harden
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